EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0314-PST-E **TCEQ ID:** RN102358942, RN102457561 **CASE NO.:** 35439 **RESPONDENT NAME:** Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2

A CHARLES AND A		
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR Corner Store 2, 102 West Main Street, Bisho TYPE OF OPERATION: Convenience sto		evard, Kingsville, Kleberg County; Bob's
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: The these facility locations.	re are no complaints. There is no record of additiona	al pending enforcement actions regarding
INTERESTED PARTIES: No one other th	an the ED and the Respondent has expressed an inte	erest in this matter.
COMMENTS RECEIVED: The Texas Reg	rister comment period expired on August 4, 2008. N	No comments were received.
Bryan Sinclair, Enforcement Divis Respondent: Mr. Ramiro Carrillo, Texas 78363	: Ms. Judy Kluge, Enforcement Division, Enforcem	

DOCKET NO.: 2008-0314-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED TO THE STATE OF Type of Investigation: Total Assessed: \$18,392 **Corrective Actions Taken:** _ Complaint X Routine Total Deferred: \$3,678 1) The Executive Director recognizes that Enforcement Follow-up X Expedited Settlement the Respondent has implemented the _Records Review following corrective measures at the __Financial Inability to Pay Facility: Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 a) The TCEO Corpus Christi Regional Office received documentation on February 25, 2008, verifying successful Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$434 (remaining \$14,280 due in 35 monthly triennial testing of the cathodic protection Case: December 19, 2007 payments of \$408 each) system at the Facility located at 1901 Date of NOE Relating to this Case: South Brahma Boulevard in Kingsville: February 15, 2008 (NOE) RN102358942 b) As of May 2, 2008, the Respondent **Site Compliance History Classification** began conducting proper inventory control Background Facts: This was a routine ___ High X Average ___ Poor procedures for all USTs at the Facilities: investigation. **Person Compliance History Classification** c) The TCEQ Corpus Christi Regional WASTE __ High ___ Average ___ Poor Office received documentation on February 25, 2008, verifying that a release 1) Failure to have the cathodic protection RN102457561 detection method has been implemented at system inspected and tested for operability **Site Compliance History Classification** and adequacy of protection at a frequency the Facilities and the Respondent X High Average Poor successfully conducted the required piping of at least once every three years. tightness and line leak detector tests at the Specifically, the triennial test had not been **Person Compliance History Classification** conducted [30 Tex. ADMIN. CODE Facility located at 102 West Main Street in ___ High ___ Average ___ Poor § 334.49(c)(4) and TEX. WATER CODE Bishop; and § 26.3475(d)]. Major Source: ___ Yes X No d) The TCEO Corpus Christi Regional 2) Failure to provide a method of release Office received documentation on Applicable Penalty Policy: September 2002 February 25, 2008, verifying that the detection capable of detecting a release required UST records are being maintained from any portion of the underground storage tank ("UST") system which at the Facility located at 102 West Main contained regulated substances. Street in Bishop. Specifically, there was no release detection method in place for the UST system [30 **Ordering Provisions:** TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)]. 2) The Order will require the Respondent 3) Failure to conduct effective manual or automatic inventory control procedures for a) Within 30 days after the effective date all USTs involved in the retail sale of of this Agreed Order, conduct triennial petroleum substances used as motor fuel testing of the cathodic protection system at each operating day [30 Tex. ADMIN. CODE the Facility located at 102 West Main § 334.48(c)]. Street in Bishop; and 4) Failure to provide release detection for the piping associated with the USTs. b) Within 45 days after the effective date Specifically, the required annual piping of this Agreed Order, submit written tightness tests at the Facility located at 102 certification and include detailed West Main Street in Bishop were not being supporting documentation including conducted [30 Tex. ADMIN. CODE photographs, receipts, and/or other records § 334.50(b)(2)(A)(ii)(I) and Tex. WATER to demonstrate compliance with Ordering CODE § 26.3475(a)]. Provision No. 2.a.

5) Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors at the Facility located at 102 West Main Street in Bishop had not been performance tested annually [30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and	
TEX. WATER CODE § 26.3475(a)]. 6) Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel. Specifically, the UST records at the Facility located at 102 West Main Street in Bishop were not being maintained [30 Tex. ADMIN. CODE § 334.10(b)].	

Additional ID No(s).: PST Nos. 54760 and 27443

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Policy Revision 2 (Sepi	•	y Calculatio	n Worksheet (P	•	lanuary 29, 2008
TCEQ					
DATES Assigned PCW	19-Feb-2008 25-Feb-2008 Scree	ning 22-Feb-2008	EPA Due		
RESPONDENT/FACILITY		U. O. O.			ore-
Respondent Reg. Ent. Ref. No.	Ramiro Carrillo dba Bol RN102358942	o's Corner Store			
Facility/Site Region			Major/Minor Source	Minor	
CASE INFORMATION					
Enf./Case ID No.			No. of Violations		
	2008-0314-PST-E		Order Type	The state of the s	41.11 2.25 3.25
	Petroleum Storage Tan	ik	Enf. Coordinator	Enforcement Team 6	
Multi-Media Admin. Penalty \$ I	imit Minimum \$0	Maximum	\$10,000	I Emorcement Team o	
		nalty Calcula	ation Section		
TOTAL BASE PENAL		-	AND THE RESIDENCE OF THE PROPERTY OF THE PROPE	Subtotal 1	\$7,500
TOTAL BASE FENAL	.11 (Sum of violati	on base penara	23/	Subtotal 1	V. ,
ADJUSTMENTS (+/-)		Danatha (Cubhatal 4) ba	, the indicated perceptors		
Subtotals 2-7 are obtain	ned by multiplying the Total Ba			totals 2, 3, & 7	\$0
Compilation in the					· · · · · · · · · · · · · · · · · · ·
Notes	No adju	stment due to comp	liance history.		
Culpability	No	0%	Enhancement	Subtotal 4	\$0
Notes	The Responde	ent does not meet th	e culpability criteria.		
Good Faith Effor	to Comply	0%	Reduction	Subtotal 5	\$0
		EDPRP/Settlement Offer			
Extraordinary					
Ordinary N/A	X (mark wit	th v)			•
N/A					
Notes	The Responde	ent does not meet th	e good faith criteria.		
		Λ°/.	Enhancement*	Subtotal 6	\$0
Approx.	Total EB Amounts \$1,2 Cost of Compliance \$2,6	14 *Cappe	d at the Total EB \$ Amount	·	
SUM OF SUBTOTAL	S 1-7			Final Subtotal	\$7,500
OTHER FACTORS AS Reduces or enhances the Final S			16%	Adjustment	\$1,196
Notes		enhancement to capt nce associated with \	ure the avoided cost of Jiolation No. 1.		
				enalty Amount	\$8,696
STATUTORY LIMIT A	DJUSTMENT		Final Ass	essed Penalty	\$8,696
DEFERRAL Reduces the Final Assessed Pen	ally by the indicted percentage	e. (Enfernymber only: e	20% Reduction	Adjustment	-\$1,739
Notes		offered for expedite			
				*** **********************************	

PAYABLE PENALTY

\$6,957

	ning Date 22-Feb-2008 Docket No. 2008-0314-PST-E			PCW
	spondent Ramiro Carrillo dba Bob's Corner Store		evision 2 (Sept	
	rence No. RN102358942	PCW	Revision Janu	iary 29, 2008
	Statute] Petroleum Storage Tank			
	ordinator Judy Kluge			
	Compliance History Worksheet			
	ry Site Enhancement (Subtotal 2)		4 11 /	
Component	Number of Written NOVs with same or similar violations as those in the current enforcement action	Enter Number Here	Adjust.	
NOVs	(number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0 -	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ö	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments		0	0%	
and Conser Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
Convictions		0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Pleat	se Enter Yes or No		
	Environmental management systems in place for one year or more	No No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%	
	Participation in a voluntary pollution reduction program	No '	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	*******No	0%	
	Adjustment P	ercentage (Su	ıbtotal 2) [0%
>> Repeat Violator (S	ubtotal 3) it pistudissis pleases ein durb to helb begret set in been bescheid die de beschiel			
N	Adjustment P	ercentage (Su	ıbtotal 3) [0%
Compliance Histo	ry Person Classification (Subtotal 7)			
N	/A Adjustment P	ercentage (Su	ıbtotal 7) [0%
>> Compliance Histo	ry Summary		,	
Complianc History Notes	No adjustment due to compliance history.	n yeens		
	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	0%

Scree	ning Date 2	22-Feb-2008	Ī	Docket N	o. 2008-0314-PST-E		PCW
	200000000000000000000000000000000000000	Ramiro Carrillo dba E	Bob's Corner Store			Policy Rev	ision 2 (September 2002)
	ise ID No. 3					PCW R	evision January 29, 2008
Reg. Ent. Refe							
		Petroleum Storage T	ank		•		
	ordinator	ludy Kluge					
Violati	on Number	1					
· F	Rule Cite(s)	30 Tex. Adm	in. Code § 334.49(d	c)(4) and Te	x. Water Code § 26.3475	(d)	
Violation I	Description	Failed to have the c adequacy of protect	athodic protection s ion at a frequency o the triennial test l	of at least o	ected and tested for operance every three years. Spun conducted.	ibility and ecifically,	
					Bas	e Penalty	\$10,000
>> Environmental, I	Property ar	nd Human Healtl	n Matrix				
	•	Hai	m				
0.0	Release	Major Mode	rate Minor	= 1			
OR	Actual Potential	×		-	Percent 25%		
	rotential				2070		
>>Programmatic Ma	atrix						
	Falsification	Major Mode	erate Minor	_			
		<u> </u>			Percent 0%		
Matrix Notes	Human healt that are p	h or the environmen protective of human	will or could be exp health or environme	posed to po ental recept	illutants which would exceors as a result of the viola	ed levels tion.	
46.7					Adjustment	\$7,500	
							eo 500
						L	\$2,500
Violation Events							
VIOLETION EVENTS							
N	umber of Viol	ation Events 1		1095	Number of violation da	ys	
				K			
		daily					
		monthly					¢2 500
	mark only one with an x	quarterly			Violation Bas	e Penalty_	\$2,500
-	WILLI GIT X	semiannual					
		annual single event					
		onigic event					
	One single	event is recommend	ded for the three-ye investigat		receding the December 19), 2007	
Economic Benefit (EB) for this	s violation			Statutory Limit Te	st	
			A1 10	a	P_1 = 1 = 4 = -1 = 1 = 1 = 1	- 16 . T - 4-1	\$2,899
	Estimated	EB Amount	\$1,19	סן	Violation Final Per	iaity i otai	φ∠,099
			This violation	r Final Ass	essed Penalty (adjusted	for limits)	\$2,899
					* ` *	, _	

Respondent Case ID No. 3	Ramiro Carrillo	conomic dba Bob's Corner	and the second s	orks	heet		TOTAL IS
Reg. Ent. Reference No. F Media F Violation No. 1	etroleum Stora	age Tank		0.5		Percent Interest	Years of Depreciation
						5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Men Pescipion	ivo commas or φ				General Survey of the Survey of		
Delayed Costs_							
Equipment [0,0	\$0	\$0	\$0
Buildings [0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	, \$0
Engineering/construction				0.0	\$0	\$0 ''	\$0
· Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				in and	inication.	angeri arr agasti	wed
Avoided Costs_	ANN	UALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0`
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	19-Dec-2004	19-Dec-2007	3,9	\$196	\$1,000	\$1,196
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	Avolded cost t	or completing the			uired is three yea restigation date.	rs before the investig	ation date and
Approx. Cost of Compliance		\$1,000			TOTAL		\$1,196

Screening Date	22-Feb-2008	Docket I	No. 2008-0314-PST-E	PCW
	Ramiro Carrillo dba Bob's	S Corner Store		evisian 2 (September 2002)
Case ID No.			PCW	Revision January 29, 2008
Reg. Ent. Reference No.				
	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number Rule Cite(s)				
Nuie Oite(9)	30 Tex. Admin. Coo	de § 334.50(a)(1)(A) and T	ex. Water Code § 26.3475(c)(1)	
	Failed to provide a meth	od of release detection ca	pable of detecting a release from any	
Violation Description			ned regulated substances.	
			Base Penalty	\$10,000
>> Environmental, Property a	ind Human Health M	atrix		
	Harm	Minan		
OR Release		Minor		
Potential	x		Percent 25%	
>>Brogrammatic Matrix				
>>Programmatic Matrix Falsification	Major Moderate	Minor		
			Percent 0%	
-				1
Matrix Human health Notes are p	n or the environment will o protective of human health	r could be exposed to poll or environmental recepto	utants which would exceed levels that rs as a result of the violation.	
			\$15 A \$7.500	
			Adjustment \$7,500	
				\$2,500
Violation Events				
Violation Events				
Number of Vio	olation Events 1	65	Number of violation days	
	daily			
	monthly		Violation Base Penalty	\$2,500
mark only one with an x	quarterly x semiannual		Violation base reliaity	Ψ2,000
,	annual			
	single event			
One quarter	rly event is recommended	based on documentation	of the violation during the December	
		ion to the February 22, 20		
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$14	Violation Final Penalty Total	\$2,899
	<u> </u>	This vislation First 4-	accord Danalty (adjusted for limita)	\$2,899
		inis violation Final As	sessed Penalty (adjusted for limits)	Ψ2,099

	E	conomic I	3enefit W	orks	heet		
Respondent	t Ramiro Carrillo	dba Bob's Corner s	Store		4 4	in Negation (1865)	
Case ID No						na a kanali s	
Reg. Ent. Reference No	. RN102358942						
	Petroleum Sto						Years of
Violation No	SE	ago raini				Percent Interest	Depreciation
	•					5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Required	Fillal Date	113	interest Saveu	Onetime Costs	LD Amount
Item Description	1∷ No commas or \$						
Data da Cala				Market Color		gou f increases station conjuga	itus, ou susceptions is mailled
Delayed Costs Egulpment		1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	8) (all shorters and a con-			0.0	\$0	\$0	\$0
Land	200000000000000000000000000000000000000			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Dec-2007	25-Feb-2008	0.2	\$14	n/a	\$14
Notes for DELAYED costs Avoided Costs			and the final date	is the d	ate of compliance	ate required is the in	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE TIME available access the	10			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]							
Other (as needed)				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0 (**)

Respondent Ramio Carnillo dab Bob's Corner Store Case ID No. 3439 Reg. Ent. Reference No. RN102358942 Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number Rulo Citote Violation Description Violation Description Violation Description Violation Description Violation Description Violation Description Release Major Moderate Minor Acute Potential Release Major Moderate Minor Acute Potential Acute Potential Acute Potential Acute Potential Walth Matrix Notes Number of Violation Events One quarterity event is recommended based on documentation of the violation days aring a service of the Statutory Limit: Test Economic Benefit (EB) for this violation Statutory Limit: Test This violation Final Assessed Penalty (adjusted for limits) S2.850 Violation Final Penalty Total S2.850	Screening Date	22-Feb-2008	Docket No. 2008-0314-PST-E	PCW
Reg. Ent. Reference No. RN102368942 Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number 3	PROGRESS DESCRIPTION OF THE SECOND CONTRACTOR OF THE SECOND SECO		s Corner Store	Policy Revision 2 (September 2002)
Media (Statute) Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.48(c) Falled to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day. Senvironmental, Property and Human Health Matrix Ham Rolease Major Moderate Minor Actual Potential X Percent 25% >>Programmatic Matrix Falsification Misjor Moderate Minor Petront 0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500	통용하다 사고 있습니다. 아이들은 그는 아이들은 것이 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들			PCW Revision January 29, 2008
Section Sect	통하다 1800년 1월 1일 : 1 : 1 : 1 : 1 : 1 : 1 : 1 : 1 : 1			
Violation Number Rule Cito(s) 3 0 Tex. Admin. Code § 334.48(c) Falled to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day. Base Penalty \$10,000 **Senvironmental**, Property and Human Health Matrix** **Harm Release Major Moderate Minor **Actual Potential X Percent 25% **Percent 25% **Programmatic Matrix* Falsification Major Moderate Minor **Percent 0% **Matrix** Notes Falsification Major Moderate Minor **Percent 0% **Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** \$7,500 **Violation Events** Number of Violation Events* Number of Violation Events* **Violation Base Penalty** **Quarterly event is recommended based on documentation of the violation during the December 19,2007 investigation to the February 22, 2008 screening dates Economic Benefit (EB) for this violation **Estimated EB Amount** **Statutory Limit Test** Violation Final Penalty Total **Statutory Limit Test**	#####################################			
Violation Description Falied to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of periodeum substances used as motor fuel each operating day. Base Penalty				
Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day. Status		<u> </u>		· .
Violation Description USTs involved in the retail sale of perfoleum substances used as motor fuel each operating day. Base Penalty \$10,000	Rule Cite(s)		30 Tex. Admin. Code § 334.48(c)	
>> Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** \$7,500 \$2,500 Violation Events Number of Violation Events Number of Violation Events **One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$4\$ Violation Final Penalty Total \$2,899	Violation Description		retail sale of petroleum substances used as motor fue	
Number of Violation Events Number of Violation Events Adiay mark only one with en x			Bas	e Penalty \$10,000
OR Release Major Moderate Minor Actual Potential X Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 Violation Events Number of Violation Events 1	>> Environmental, Property a	and Human Health M	atrix	
Percent Perc		Harm		
Potential x Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500			e Minor	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Adjustment** **S7,500** **Violation Events** Number of Violation Events** Number of Violation Events** **Adjustment** **S7,500** **Violation Events** Number of violation days **daily monthly quarterly x semiannual semianual single event** One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Your Total** **Percent** **Percent** **O%* **Percent** **O%* **Percent** **O%* **Percent** **O%* **Adjustment** **S7,500* **S2,500* **S2,500* **Collation Base Penalty** **Collation Base Penalty** **S2,500* **One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. **Economic Benefit (EB) for this violation **Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Percent** **One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. **Economic Benefit (EB) for this violation **Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Percent** **Perc			Percent 25%	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Adjustment** **S7,500** **Violation Events** Number of Violation Events** Number of Violation Events** **Adjustment** **S7,500** **Violation Events** Number of violation days **daily monthly quarterly x semiannual semianual single event** One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Your Total** **Percent** **Percent** **O%* **Percent** **O%* **Percent** **O%* **Percent** **O%* **Adjustment** **S7,500* **S2,500* **S2,500* **Collation Base Penalty** **Collation Base Penalty** **S2,500* **One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. **Economic Benefit (EB) for this violation **Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Percent** **One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. **Economic Benefit (EB) for this violation **Estimated EB Amount** **Yiolation Final Penalty Total** **S2,899** **Percent** **Perc	>> December of a Matrix			
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events 1 65 Number of violation days daily monthly quarterly x semiannual annual single event		Major Moderate	e Minor	
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events 1 65 Number of violation days daily monthly quarterly x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	Taisincation	IMAJOI IMOGGIALE		
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events 1 65 Number of violation days daily monthly quarterly x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	<u> </u>	J		
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events 1 65 Number of violation days daily monthly quarterly x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$4 Violation Final Penalty Total \$2,899		L salka andronenski dili o	we sould be expected to pollutents which would exceed	evels that
Violation Events Number of Violation Events Number of Violation Events Adjustment \$7,500 \$2,500 Violation Events Number of Violation days daily monthly quarterly x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$2,899	Matrix Human near	n or the environment will o protective of human health	or could be exposed to polititarits which would exceed to or environmental receptors as a result of the violation	evers triati
Violation Events Number of Violation Events Number of Violation Events 1	Hotoo			
Violation Events Number of Violation Events Number of Violation Events 1			Adjustment	\$7,500
Violation Events Number of Violation Events 1 65 Number of violation days daily monthly quarterly x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$4 Violation Final Penalty Total \$2,899			Adjustifient	φτ,σου ₁
Number of Violation Events 1 65 Number of violation days daily	-			\$2,500
Number of Violation Events 1 65 Number of violation days daily				
dally monthly quarterly semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	Violation Events			
dally monthly quarterly semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	Number of Vi	olation Events 1	65 Number of violation day	/s
monthly quarterly semiannual annual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	Number of Vi	olation Evento	300 000 000 000 000 000 000 000 000 000	, -
mark only one with an x Quarterly X Semiannual annual single event		daily		
Semiannual single event One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899		monthly	***	
One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899			Violation Bas	e Penalty \$2,500
One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	with an x		550.	
One quarterly event is recommended based on documentation of the violation during the December 19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899				
19, 2007 investigation to the February 22, 2008 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	and the same of th	single evenu		
Estimated EB Amount \$4 Violation Final Penalty Total \$2,899	One quarte			ecember
Louintied ED Amount	Economic Benefit (EB) for th	is violation	Statutory Limit Te	st
Louintied ED Amount		1.50	04	alty Total \$2 900
This violation Final Assessed Penalty (adjusted for limits) \$2,899	Estimate	a EB Amount	Violation Final Pen	aity i Utai PZ,099
			This violation Final Assessed Penalty (adjusted	for limits) \$2,899

		conomic		orks	heet		
		dba Bob's Corner	Store				•
Case ID No						the second of the first	
Reg. Ent. Reference No					1		V
	Petroleum Sto	rage rank			, .	Percent Interest	Years of
Violation No	, 3				en e		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
HOUSEN HE LINES SELECTION HER BUILDANE MARKET HER KNOWN							2.80.74.21.21.874.27.874.000.000.000.000.000
Delayed Costs							
Equipment		1		0,0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)	38.2		Brounds values an da a sec	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	2550			0,0	\$0	n/a	\$0
Record Keeping System	\$100	19-Dec-2007	15-Sep-2008	0.7	\$4	n/a	\$4
Training/Sampling	200000000000000000000000000000000000000			0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
				010700000000000000000000000000000000000			Commenter of the second
Permit Costs				0,0	\$0	n/a	\$ 0
Permit Costs Other (as needed)				0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	as motor fuel.	The date required i	s the date of the in	0.0 JSTs inv	\$0 rolved in the retail ion and final date		\$0 ibstances used e of compliance
Other (as needed)	as motor fuel.	The date required i	s the date of the in	0.0 JSTs inv	\$0 rolved in the retail ion and final date	n/a sale of petroleum su is the estimated dat one-time avoided c	\$0 ibstances used e of compliance
Other (as needed) Notes for DELAYED costs Avoided Costs	as motor fuel.	The date required i	s the date of the in	USTs Involvestigat	\$0 olived in the retail alon and final date item (except for all \$0 \$0	n/a sale of petroleum su is the estimated dat one-time avoided c \$0 \$0	\$0 ubstances used e of compliance costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	as motor fuel.	The date required i	s the date of the in	0.0 USTs investigate Intering 0.0 0.0 0.0	\$0 olived in the retail tion and final date item (except for a \$0 \$0 \$0	n/a sale of petroleum substitute estimated dat one-time avoided come-time substitute sub	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	as motor fuel.	The date required i	s the date of the in	0.0 USTs investigate Intering 0.0 0.0 0.0 0.0	\$0 olived in the retail tion and final date Item (except for a solution solution) \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided c \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	as motor fuel.	The date required i	s the date of the in	0.0 JSTs Invovestigat ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 folived in the retail alon and final date litem (except for all \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum su is the estimated dat one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	as motor fuel.	The date required i	s the date of the in	0.0 JSTs Invovestigat ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 folived in the retail alon and final date litem (except for all \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum su is the estimated dat one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum suis the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	as motor fuel.	The date required i	s the date of the in	0.0 JSTs investigat Intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 colved in the retail alon and final date Item (except for all \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sale of petroleum sus the estimated dat one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ubstances used e of compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Compliance History

Custome	r/Respondent/Owner-Operator:	CN603271156	CARRILLO, RAMIRO	· Classification:	N/A	Rating: N/A
Regulate	d Entity:	RN102358942	BOBS CORNER STORE	Classification: Default	Average by	Site Rating: 3
ID Numb	er(s):	PETROLEUM ST REGISTRATION		REGISTRATION		54760
Location:		1901 S BRAHMA	BLVD, KINGSVILLE, TX, 783	63		
TCEQ R	egion:	REGION 14 - CO	RPUS CHRISTI			
Date Cor	npliance History Prepared:	February 22, 200	8			
Agency [Decision Requiring Compliance History:	Enforcement				
Compliar	nce Period:	February 22, 200	3 to February 22, 2008			
TCEQ St	aff Member to Contact for Additional Infor	mation Regarding t	his Compliance History			
Name:	Judy Kluge	Ph	one: (817) 588-5825			
		Site C	ompliance History Comp	onents		
1. Has th	e site been in existence and/or operation	for the full five year	compliance period?	Yes		
2. Has th	ere been a (known) change in ownership	of the site during th	ne compliance period?	Yes		
3. If Yes,	who is the current owner?			Ramiro Carrillo		
4. if Yes	, who was/were the prior owner(s)?			Taylor Petroleum Companies	s Inc.	
5. When	did the change(s) in ownership occur?			9/01/2007		1
Compo	nents (Multimedia) for the Site :					•
Α.	Final Enforcement Orders, court judgen	nents, and consent	decrees of the state of Texas	and the federal government.		
	N/A					
_		T 4 (b 6-d-				
B.	Any criminal convictions of the state of N/A	l exas and the fede	rai government.			
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations. (C 1 02/15/2008 (616390)	CCEDS Inv. Track. I	No.)			
E.	Written notices of violations (NOV). (CCN/A	CEDS Inv. Track. No	o.)			
F.	Environmental audits. N/A					
G.	Type of environmental management sy	stems (EMSs).				
	N/A					
H.	Voluntary on-site compliance assessment	ent dates.				
	N/A					
I.	Participation in a voluntary pollution red	luction program.			•	
	N/A					
J.	Early compliance.					
	N/A					
Sites Ou	tside of Texas					
	N/A					

Policy Revision 2 (Septe	-	n Worksheet (PCW)	Revision January 29, 2008
TCEQ DATES Assigned PCW	19-Feb-2008 Screening 22-Feb-2008	EPA Due	
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Ramiro Carrillo dba Bob's Corner Store 2 RN102457561	Major/Minor Source Minor	
	2008-0314-PST-E Petroleum Storage Tank	No. of Violations Order Type 1660 Enf. Coordinator Judy Kluge EC's Team Enforcement T	eam 6
	Penalty Calcula	F	#9.500
ADJUSTMENTS (+/-)	ed by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage. Enhancement Subtotals 2, 3, & 7	\$8,500 \$0
Culpability Notes	No 0% The Respondent does not meet the	Enhancement Subtotal 4 e culpability criteria.	\$0
Good Faith Effort Extraordinary Ordinary N/A Notes	to Comply Before NOV NOV to EDPRP/Settlement Offer x (mark with x) The Respondent does not meet the	Reduction Subtotal 5	\$0
Approx. C		Enhancement* Subtotal 6 at the Total EB \$ Amount	\$0
SUM OF SUBTOTALS	1-7	Final Subtotal	\$8,500
	b JUSTICE MAY REQUIRE btotal by the indicated percentage. Recommended enhancement to captu compliance associated with V		\$1,196
2		Final Penalty Amount	\$9,696
STATUTORY LIMIT A	DJUSTMENT	Final Assessed Penalty	\$9,696
DEFERRAL Reduces the Final Assessed Pena Notes	alty by the indicted percentage. (Enter number only; e.g. Deferral offered for expedite		-\$1,939
PAYABLE PENALTY			\$7,757

PAYABLE PENALTY

	ning Date 22-Feb-2008 Docket No. 2008-0314-PST-E	nnikaanteenkaaninkannikannikannikaninkanni	PC
Ca	spondent Ramiro Carrillo dba Bob's Corner Store 2 se ID No. 35439 ence No. RN102457561	•	evision 2 (September 7 Revision January 29
Media	[Statute] Petroleum Storage Tank ordinator Judy Kluge	•	
	Compliance History Worksheet		
	y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
0-4	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0 '	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	estate (100 legisla)	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	, No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	[⊕] No	0%
	Adjustment P	ercentage (Su	ıbtotal 2) 0
at Violator (Su		3 (,
No	Adjustment P	ercentage (Su	ıbtotal 3) 0
pliance History	y Person Classification (Subtotal 7)		
N//	Adjustment P	ercentage (Su	ıbtotal 7) 0
pliance History	y Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Adjustment Percentage	(Subtotale 3	2 , 3, & 7) 0
	, otal Aujustinent i ercentage	JUNIOLAIS Z	0, 0, 0, 1

Screening Da		••••••	CONTRACTOR OF THE PROPERTY OF	cket No. 2008-0314-PST-E	PCW
용성하실도 있는 가는 사람이 없는 하는데 하는데 그렇게 되어 되었다. 바다를 바다를 하다 살아 되는 때문에	nt Ramiro Carril	lo dba Bob's (Corner Store 2		Policy Revision 2 (September 2002)
Case ID N					PCW Revision January 29, 2008
Reg. Ent. Reference N					
Media [Statut Enf. Coordinat		orage rank			
Violation Numb	p	1			
	-				
Rule Cite	30 Te	ex. Admin. Co	de § 334.49(c)(4)) and Tex. Water Code § 26.347	5(d)
Violation Descripti		protection at	a frequency of at	em inspected and tested for ope least once every three years. S not been conducted.	
				Ва	ase Penalty \$10,000
>> Environmental, Property	v and Human	Health Mat	rix		
		Harm			**
Relea		Moderate	Minor		
OR Actu	<u></u>			Percent 25%	7
Potent	tial x			reicent 2370	
>>Programmatic Matrix				SAST TO SAST THE SAST	
Falsification	on Major	Moderate	Minor		
				Percent 0%	
Matrix Notes Human h	ealth or the envi	ronment will or human health	r could be exposi or environmenta	ed to pollutants which would exc al receptors as a result of the vio	eed levels lation.
				Adjustment	\$7,500
					\$2,500
Violation Events					
Number of	Violation Events	1		1095 Number of violation d	ays
	daily monthly				
mark only or with an x		x		Violation Ba	se Penalty \$2,500
One si	ngle event is rec	ommended for	the three-year printer investigation.	period preceding the December 1	9, 2007
Economic Benefit (EB) for	this violation			Statutory Limit T	est
Estima	ited EB Amount		\$1,196	Violation Final Pe	enalty Total \$2,852
		т	his violation Fir	nal Assessed Penalty (adjusted	d for limits) \$2,852
				,	, <u> </u>

Violation No.					100	Percent Interest	Years of Depreciation
						5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		1					
Delayed Costs	Saraire.						
Delayeu Costs Equipment		l .		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	ggreensant in the section II	Branch Branch	40000 0 1000 0 100	0.0	\$0	\$0	\$0
Engineering/construction	uscodinesia da la casa da	8,000,000,000,000	Lideac Lineage Ratio	0.0	\$0	. \$0	\$0
Land	SECONO SECONO			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	-1-	\$0
						n/a	ΨU
Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoid		ntering 0.0 0.0 0.0 0.0 0.0	\$0 item (except for \$0 \$0 \$0 \$0	n/a one-time avoided c \$0 \$0 \$0 \$0	\$0 ************************************
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]			ed costs before e	ntering 0.0 0.	\$0 Item (except for \$0 \$0 \$0 \$0 \$0	n/a one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	\$1,000	UALIZE [1] avoid		ntering 0.0 0.0 0.0 0.0 0.0	\$0 item (except for \$0 \$0 \$0 \$0	n/a one-time avoided c \$0 \$0 \$0 \$0	\$0 ************************************

	Date 22-Feb-2008		No. 2008-0314-PST-E	PCW
	ident Ramiro Carrillo dba Bo	b's Corner Store 2	Pe	olicy Revision 2 (September 2002)
	O No. 35439			PCW Revision January 29, 2008
Reg. Ent. Referenc	2-0-10-x80-4	-1-		
	i tute] Petroleum Storage Tai	אר 		
Violation N	nator Judy Kluge			
	IL	334 50(a)(1)(A) (b)(2)(A)	(ii)(I) and (b)(2)(A)(i)(III) and Tex. V	Vateri
Kale	JIO(5) JOS FEX. Admini. Gode s	Code § 26.3475(a)		
Violation Desci	portion of the UST s release detection fo annual tightness t detectors at least once	ystem which contained reg r the piping associated with ests had not been perform e per year for performance	capable of detecting a release from ulated substances. Failed to provious the USTs. Specifically, the required. Also, failed to test the line leak and operational reliability. Specific erformance tested annually.	de ed
			Base Per	nalty \$10,000
>> Environmental Pron	erty and Human Health	Matrix		
>> Chivilonmental, 1 10p	Harn			
	elease Major Modera	ate Minor		
	Actual		Percent 25%	
PC	tential x		Percent 25%	
>>Programmatic Matrix				
_ Falsifi	cation Major Modera	ate Minor		
			Percent 0%	***************************************
Matrix Notes Human	n health or the environment will are protective of human hea	I or could be exposed to po lth or environmental recep	ollutants which would exceed levels tors as a result of the violation.	that
			Adjustment \$7	,500
				\$2,500
				\$2,300
Violation Events				***************************************
Numbe	r of Violation Events 1	65	Number of violation days	ununununun
	L		g	***************************************
	daily			***************************************
	monthly		Winterlan Dago Box	nalty \$2,500
mark o with			Violation Base Per	1aity \$2,500
(Mil)	an x semiannual annual			
	single event			***************************************
		The state of the s		
One		ed based on documentation ation to the February 22, 2	n of the violation during the Decem 008 screening date.	ber
Economic Benefit (EB)	for this violation		Statutory Limit Test	
Fel	imated EB Amount	\$14	Violation Final Penalty	otal \$2,852
23.		***************************************	-	
		This violation Final A	ssessed Penalty (adjusted for lin	nits) \$2,852

Respondent Case D No. 3649 Soldand Petroleum Storage Tank Percent Interest Vears of Depreciation Soldand Department Soldand Petroleum Storage Tank Percent Interest Vears of Depreciation Soldand Department Soldand Sol		E	conomic E	3enefit W	orks/	heet	production in	
Reg. Ent. Reference No. Media Petroleum Storage Tank Percent interest Years of Depreciation	Respondent	Ramiro Carrillo	dba Bob's Corner S	Store 2	00000000000000000000000000000000000000			
Media Petroleum Storage Tank Percent Interest Years of Depreciation Solution No. 2 Solution No. 2 Solution Solut	Case ID No.	35439						
Media Petroleum Storage Tank Percent Interest Years of Depreciation Solution No. 2 Solution No. 2 Solution Solut	Reg. Ent. Reference No.	RN102457561						
Defection Society So			rage Tank				Percent Interest	
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	Approx. Cost of Compliance		\$1,500			TOTAL		\$14

Screening Date :	22-Feb-2008	Docket No. 2008-0314-PST-E	PCW
	Ramiro Carrillo dba Bob's (Corner Store 2	Policy Revision 2 (September 2002)
Case ID No. :			PCW Revision January 29, 2008
Reg. Ent. Reference No. I			
T	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number	3		
Rule Cite(s)		30 Tex. Admin. Code § 334.48(c)	
Violation Description		ive manual or automatic inventory control procestall sale of petroleum substances used as mol operating day.	
			Base Penalty \$10,000
>> Environmental, Property ar	nd Human Health Ma	friy	
>> Environmental, 1 Toperty at	Harm	u.x	*********
Release	Major Moderate	Minor	
OR Actual			2-2/
Potential	x	Percent	25%
>> Dreammatic Matrix			
>>Programmatic Matrix Falsification	Major Moderate	Minor	
Taisiicaton	ividjer ividaciate	Percent	0%
<u> </u>	1		
	- 46 1 4 - 30 - 4	as ald be appaied to collutents uplich would by	and lovels that
Matrix Human health Notes are pr	or the environment will or otective of human health (could be exposed to pollutants which would ex or environmental receptors as a result of the vi	olation.
Notes alo p	otootti o ot mamaii moaiiii.	.	
			#7 F00
		Adjustment	\$7,500
***************************************	4		\$2,500
Violation Events			
			and days
Number of Viol	ation Events 1	65 Number of violation	on days
	daily	7	
	monthly		
mark only one	quarterly x	Violatio	n Base Penalty \$2,500
with an x	semiannual		
	annual		
	single event		
			555: 3594699 (04555:10065000)
One quarterly		ased on documentation of the violation during n to the February 22, 2008 screening date.	the December
	19, 2007 investigatio	in to the replicary 22, 2000 screening date.	
Economic Benefit (EB) for this	s violation	Statutory Lim	it Test
		04	al Penalty Total \$2,852
Estimated	EB Amount	\$4 Violation Fina	al Penalty Total \$2,852
***************************************		This violation Final Assessed Penalty (adju	sted for limits) \$2,852

Respondent		conomic dba Bob's Corner		orks	sheet		
Case ID No.							•
Reg, Ent. Reference No.							
	Petroleum Stor	rage Tank				Percent Interest	Years of
Violation No.	3					ا حا	Depreciatio
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	EB Amoun
Item Description		Date Required	Filial Date	113	interest Saveu	Offeditie Costs	LB Alliouni
					-		
Delayed Costs				a			
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0 \$0	\$0 \$0	\$0 *0
Other (as needed)				0,0	\$0	\$0 \$0	\$0 \$0
Engineering/construction Land				0.0	\$0	n/a	\$0 \$0
Record Keeping System	\$100	19-Dec-2007	15-Sep-2008	0.7	\$4	n/a	\$4
Training/Sampling	\$100	10-000-2007	10-OCP-2006	0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			Ý.	0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	as motor fuel.	The date required l	s the date of the in	vestiga ntering	tion and final date	sale of petroleum su is the estimated data insuration one-time avoided o	e of compliand
Disposal				0.0	\$0	\$0	\$0
Personnel				0,0	\$0	\$0	\$0 ************************************
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ONE-TIME avoided costs [3]				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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Screening	Date 22-Feb-2008	Docket N	o. 2008-0314-PST-E	PCW
•	ndent Ramiro Carrillo dba Bob's	s Corner Store 2	1	Policy Revision 2 (September 2002)
	O No. 35439			PCW Revision January 29, 2008
Reg. Ent. Referenc	e No. RN102457561 Itute] Petroleum Storage Tank			
	nator Judy Kluge			
Violation N				
Rule (Cite(s)	30 Tex. Admin, Code § 3	334.10(b)	
Violation Descr		equired UST records and m spection upon request by a	nake them immediately availabl Igency personnel.	e for
·			Base Pe	enalty \$10,000
>> Environmental, Prop	erty and Human Health M	atrix		осототото
	Harm			
	elease Major Moderate Actual	Minor		
	otential		Percent 0%	***************************************
>>Programmatic Matrix				
Falsifi		. Minor	**************************************	***************************************
	X		Percent 10%	
Matrix Notes	100% of	the rule requirement was n	ot met.	
			Adjustment \$	9,000
				\$1,000
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mark o. with			Violation base Fe	marty \$1,000
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			o violation during the Decembe	r 10
Ones	single event is recommended ba	sed on documentation of the 2007 investigation.	ic violation during the December	
Economic Benefit (EB)	for this violation		Statutory Limit Test	
Es	timated EB Amount	\$1]	Violation Final Penalty	Total \$1,141
		This violation Final Ass	sessed Penalty (adjusted for l	imits) \$1,141
		ing violation i mai Ass	Joseph Charty (adjusted for t	·····

	Е	conomic l	Benefit W	orksh	eet		
Respondent	Ramiro Carrillo	dba Bob's Corner	Store 2		en e		
Case ID No.						4.0	
Reg. Ent. Reference No.						Authorities and	
	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No.	4					Percent interest	Depreciation
						5.0	15
and a	Item Cost	Date Required	Final Date	Yrs Ir	nterest Saved	Onetime Costs	EB Amount
Item Description						2007 (00)	
Delayed Costs						To the content of the	
Equipment		ir I		0.0	\$0	\$0	\$0
Buildings				0.0	\$0 \$0	\$0	\$0
Other (as needed)	x			0.0	\$0	\$0	\$0
Engineering/construction	8.0000		600 83 14 2 10 2 10 10 10	0.0	\$0	\$0	\$0
Land	50.00.00.00.00.00.00.00.00.00.00.00.00.0			0.0	\$0	n/a	\$0
Record Keeping System	\$100	19-Dec-2007	25-Feb-2008	0.2	\$1	n/a	\$1
Training/Sampling	Bases Control			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$Ò
	Estimated cost	t to maintain UST r	ecords. The date	required is	the investigation		
Notes for DELAYED costs	ANN	HALIZE M word		compliance	9. 111 - 111		
Avoided Costs	ANN	UALIZE [1] avoid		compliance	m (except for	one-time avoided c	osts)
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Compliance History

Custon	ner/Respondent/Owner-Operator:	CN603271156	CARRILLO, RAMIRO	Classification:	N/A	Rating: N/A
Regula	ated Entity:	RN102457561	BOBS CORNER STORE	2 Classification:	HIGH	Site Rating: 0.0
ID Num	nber(s):	PETROLEUM ST REGISTRATION	ORAGE TANK	REGISTRATION		27443
Locatio	n:	102 W MAIN ST,	BISHOP, TX, 78343			
TCEQ	Region:	REGION 14 - CO	RPUS CHRISTI			
Date C	compliance History Prepared:	February 22, 200	3			
Agency	y Decision Requiring Compliance History:	Enforcement				
Compli	iance Period:	February 22, 200	3 to February 22, 2008			
TCEQ	Staff Member to Contact for Additional Info	rmation Regarding t	his Compliance History			
Name:	Judy Kluge	Ph	one: (817) 588-5825			
		Site C	ompliance History Com	ponents		
1. Has	the site been in existence and/or operation	for the full five year	compliance period?	Yes		
2. Has	there been a (known) change in ownership	of the site during th	e compliance period?	Yes		
3. If Ye	es, who is the current owner?			Ramiro Carrillo		
4. if Ye	es, who was/were the prior owner(s)?			Taylor Petroleum Companies	s Inc.	
5. Wh	en did the change(s) in ownership occur?			9/14/2007		
Comp	oonents (Multimedia) for the Site :					
A .	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texas	and the federal government.		
	N/A					
_						
B.	Any criminal convictions of the state of N/A	l exas and the feder	ral government.			
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations. (0	CCEDS Inv. Track. N	No.)			
E.	2 02/15/2008 (616608) Written notices of violations (NOV). (0	CEDS Inv. Track N	lo)			
⊏.	N/A	DOEDS IIIV. Hack, IV	10.)			
F.	Environmental audits. N/A					
G.	Type of environmental management sy	/stems (EMSs).				
	N/A					
H.	Voluntary on-site compliance assessm	ent dates.				
	N/A					
l.	Participation in a voluntary pollution rec	duction program.				
	N/A					
J.	Early compliance.					
Olter C	N/A					
Sites (Outside of Texas N/A					
	INA					

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION	§ 8	BEFORE THE
CONCERNING	§	TEXAS COMMISSION ON
RAMIRO CARRILLO DBA BOB'S CORNER STORE AND BOB'S	§ 8	ENVIRONMENTAL QUALITY
CORNER STORE 2	§	ENVIRONMENTAL QUALITY
RN102358942	§	
RN102457561	§ 8	
	8	

AGREED ORDER DOCKET NO. 2008-0314-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2 ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates convenience stores with retail sales of gasoline at 1901 South Brahma Boulevard in Kingsville, Kleberg County and at 102 West Main Street in Bishop, Nueces County, Texas (the "Facilities").
- 2. The Respondent's seven underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 20, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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6. An administrative penalty in the amount of Eighteen Thousand Three Hundred Ninety-Two Dollars (\$18,392) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Thirty-Four Dollars (\$434) of the administrative penalty and Three Thousand Six Hundred Seventy-Eight Dollars (\$3,678) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fourteen Thousand Two Hundred Eighty Dollars (\$14,280) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Eight Dollars (\$408) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:
 - a. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying successful triennial testing of the cathodic protection system at the Facility located at 1901 South Brahma Boulevard in Kingsville;
 - b. As of May 2, 2008, the Respondent began conducting proper inventory control procedures for all USTs at the Facilities;
 - c. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that a release detection method has been implemented at the Facilities and the Respondent successfully conducted the required piping tightness and line leak detector tests at the Facility located at 102 West Main Street in Bishop; and
 - d. The TCEQ Corpus Christi Regional Office received documentation on February 25, 2008, verifying that the required UST records are being maintained at the Facility located at 102 West Main Street in Bishop.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the

Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, the Respondent is alleged to have:

- 1. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 Tex. ADMIN. CODE § 334.49(c)(4) and Tex. Water Code § 26.3475(d), as documented during an investigation conducted on December 19, 2007. Specifically, the triennial test had not been conducted.
- 2. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on December 19, 2007. Specifically, there was no release detection method in place for the UST system.
- 3. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day, in violation of 30 Tex. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on December 19, 2007.
- 4. Failed to provide release detection for the piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(ii)(I) and TEX. WATER CODE § 26.3475(a). Specifically, the required annual piping tightness tests at the Facility located at 102 West Main Street in Bishop were not being conducted.
- 5. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on December 19, 2007. Specifically, the line leak detectors at the Facility located at 102 West Main Street in Bishop had not been performance tested annually.
- 6. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on December 19, 2007. Specifically, the UST records at the Facility located at 102 West Main Street in Bishop were not being maintained.

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III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2, Docket No. 2008-0314-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of the Agreed Order, conduct triennial testing of the cathodic protection system at the Facility located at 102 West Main Street in Bishop, in accordance with 30 Tex. ADMIN. CODE § 334.49.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2 DOCKET NO. 2008-0314-PST-E Page 5

with a copy to:

Waste Section Manager Corpus Christi Regional Office Texas Commission on Environmental Quality 6300 Ocean Drive, Suite 1200 Corpus Christi, Texas 78412-5503

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2 DOCKET NO. 2008-0314-PST-B Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	_	
	`	
gold Gralling		9/4/2008
For the Executive Director	•	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the antity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A apparive impact on compliance history,
- Greater scruting of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional populities, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other roller as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

La Cami

Date

Name (Printed or typod)

Authorized Representative of

Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2

Instructions: S-ad the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.